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The undermentioned *Gazettes of India Extraordinary* were published upto the 21st October, 1960:—

Issue No.	No. and date	Issued by	Subject
145. No.	123-ITC(PN)/60, dated 21st October, 1960.	Ministry of Commerce and Industry.	Grant of A. U. licences for Newsprint—during October 1960–March 1961 period.
146. No.	129-ITC(PN)/60, dated 22nd October, 1960.	Do.	Import of Mullein Oil against quota licences for Homoeopathic Medicines for October 1960–March 1961 period.
147. No.	130-ITC(PN)/60, dated 22nd October, 1960.	Do.	Amendment to import policy for October, 1960–March 1961 licensing period.
148. No.	17(17)-Tex(D)/60, dated 24th October, 1960.	Do.	Request to the Tariff Commission to examine and report on the fair prices for all types of woollen goods etc.
	No. 131-ITC(PN)/60, dated 24th October, 1960.	Do.	Classification of Tachometer portable.

Copies of the *Gazettes Extraordinary* mentioned above will be supplied on Indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these *Gazettes*.

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PART I—Section 1

Notifications relating to Non-Statutory Rules, Regulations and Orders and Resolutions issued by the Ministries of the Government of India (other than the Ministry of Defence) and by the Supreme Court

MINISTRY OF STEEL, MINES & FUEL

(Department of Mines and Fuel)

New Delhi, the 27th October 1960

No. 19(9)/60-Oil(PI).—In partial modification of Resolution No. 9(1)/58-Oil(PI) dated 14th January, 1960 (as amended from time to time), the Government of India has decided to nominate the following persons as members of the Oil Advisory Committee.

- (i) Shri L. K. Jha, Secretary, Ministry of Finance (Department of Economic Affairs), New Delhi, *vice* Shri A. K. Roy, appointed as Comptroller & Auditor General of India.
- (ii) Shri N. S. Mani, Chairman, Indian Refineries Ltd., & Joint Secretary, Department of Mines & Fuel, New Delhi, *vice* Shri Feroze Gandhi (deceased).
- (iii) Mr. M. J. Condon, C.B.E., P.O. Digboi, Assam *vice* Mr. W. P. G. MacLachlan (resigned).

BALWANT SINGH, Dy. Secy.

(Department of Iron and Steel)

ORDER*New Delhi, the 31st October 1960*

No. SC(A)-24(24)/59.—In pursuance of Resolution No. SC(A)-4 (493)/59, dated the 5th November, 1959, the Government of India hereby directs that the following further amendments shall be made to the Order regarding appointment of the members to the Iron and Steel Advisory Council, No. SC(A)-4 (493)/59, dated the 10th November, 1959, as amended from time to time, namely:—

(1) The following *additional* entries shall be made in the 11st of members of the Iron and Steel Advisory Council:—

29. Shri K. L. Ghei, Joint Secretary, Ministry of Finance, (I. & S. and H. S. L. Division), New Delhi.
30. Shri Ramprasad Khandelwal, Khandelwal Bhavan, 166, Dr. Dadabhai Naoraji, Road, Bombay-1.

(2) For the existing entry No. (3).

Read "3. Shri N. C. Deb, Director (Finance), Hindustan Steel Limited. Ranchi."

J. S. BAIJAL, Under Secy.

MINISTRY OF COMMERCE AND INDUSTRY*New Delhi, the 28th October 1960*

No. 63-SSI(B)(1)/60.—Reference Ministry of Commerce and Industry's Notification No. SSI(A)-28 (43)/58 dated the 8th May, 1959 regarding notification of names of members of the "Board for Promotion of Small Inventions." The following amendment shall be made in the above notification:—

For "9 Shri Chunilal V. Mehta, 42, Ridge Road, Malabar Hill, Bombay-6".

Read "9. Shri Shri Ram, 22, Curzon Road, New Delhi-1."

P. S. V. RAGHAVAN, Under Secy.

MINISTRY OF EDUCATION*New Delhi, the 24th October 1960*

No. 6/80/59-A.10.—In continuation of the Ministry of Education Notification No. 6/80/59-A.10, dated the 5th May, 1960, Dr. Abdel Rehman Badawi, Professor of Philosophy at Ain Shams University, Cairo, is appointed as Corresponding Member (Outside India) of the Indian Historical Records Commission.

2. The term of appointment will expire on 31st March, 1962.

D. N. TIWARI, Under Secy.

MINISTRY OF SCIENTIFIC RESEARCH & CULTURAL AFFAIRS**RESOLUTION***New Delhi, the 25th October 1960*

No. F.1-121/58(CBG)-SII.—Pursuant to the recommendation made by the Scientific Advisory Committee to the Cabinet the Government of India have decided to dissolve with immediate effect the "Committee for Oceanography" of the Central Board of Geophysics set up under the Ministry of Scientific Research and Cultural Affairs Resolution No. F.1-121/58(CBG)-SII, dated the 17th October, 1958.

ORDER

Ordered that the Resolution be communicated to all the Ministries of the Government of India, Prime Minister's Secretariat, Cabinet Secretariat, (i) Private and (ii) Military Secretary to the President, the Planning Commission; the Comptroller and Auditor General of India, the Accountant General, West Bengal, Calcutta, the Director, Geological Survey of India, Calcutta and the Secretary, Central Board of Geophysics, Calcutta.

Ordered also that the Resolution be published in the Gazette of India for general information.

M. M. JAIN, Under Secy.

CORRIGENDUM*New Delhi, the 26th October 1960*

No. F.11-10/57-C.1.—For the date "21st August, 1960" appearing in this Ministry's Notification No. F. 11-10/57-C.1, dated the 24th September 1960, the following date may be substituted:—

"21st August, 1958".

S. J. NARSIAN,
Assistant Education Adviser.**MINISTRY OF HEALTH***New Delhi, the 27th October 1960*

No. F.14-115/57-P.H. (Pt.D).—In partial modification of notification No. 755-ME5/76/Medical, dated the 26th November, 1955 of the Ministry of Railways (Railway Board) and in exercise of the powers conferred by clause (a) of sub-section (1) of section 14 of the Prevention of Food Adulteration Act, 1954 (37 of 1954), the Central Government hereby appoints the Port Health Officer, Visakhapatnam to exercise the powers of a Food Inspector under section 10 of the said Act in respect of any article of food which is imported through the port of Visakhapatnam.

A. P. MATHUR, Under Secy.

MINISTRY OF LABOUR AND EMPLOYMENT*New Delhi, the 27th October 1960*

No. LR11-10(8)/57.—The following decision of Shri E. Krishna Murti, Central Government Industrial Tribunal, Delhi, in respect of a matter referred to him under section 6 of the Industrial Disputes (Banking Companies) Decision Act, 1955 (41 of 1955) by the order of the Government of India in the Ministry of Labour and Employment S.O. 832, dated the 25th March, 1960, is hereby published for general information.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DELHI**PRESENT**

Shri E. Krishna Murti, Central Government Industrial Tribunal.

New Delhi, the 15th September 1960

I.D. No. 77 of 1960

BETWEEN

The employers in relation to the State Bank of Jaipur Ltd., Jaipur.

AND

Their workmen, as represented by the Rajasthan Bank Employees Union, Jaipur.

Shri A. R. Savoor—for the management.

Shri A. L. Parwana—for the workmen.

AWARD

By G.O. No. [LR11-10(8)/57.II] dated 25th March, 1960, the industrial dispute, between the employers in relation to the State Bank of Jaipur Ltd., Jaipur, and their workmen, as represented by the Rajasthan Bank Employees' Union, Jaipur, has been referred to this Tribunal for decision under section 6 of Act 41/55.

2. The term of reference is as follows:—

Whether Shri R. L. Khandelwal of the State Bank of Jaipur by virtue of the duties performed by him during the period 14th March, 1955 to 31st January, 1956, is entitled to any special allowance in terms of paragraph 164(b) of the Award of the All India Industrial Tribunal (Bank Disputes) as modified and, if so, under what item?

3. It is alleged on behalf of the Rajasthan Bank Employees' Union, that Shri R. L. Khandelwal is a senior member of the staff of the State Bank of Jaipur, that he joined the service of the Bank in April, 1949, that he was promoted to supervisory cadre on 10-3-1955, and was also given power of attorney and was carrying on supervisory duties, that he was however not paid the special allowance, that on 3-2-1956 he was reverted back to the post of clerk, and asked to perform clerical duties, and that the Bank should be directed to pay the special allowance due to the workman, with retrospective effect from 10-3-1955, and also declare, that the reversion of Shri R. L. Khandelwal is mala fide, unjustified, and unlawful.

4. The case of the management is, that Shri Khandelwal was never promoted to supervisory cadre, that he was verbally told, that in order to promote him to Bank's Officers cadre, he was being tried to see, whether he could come up to expectations, that, as however he was not willing to accept the condition, his case for promotion was dropped, that he was doing duties, as alleged in the written statement of management, that the power of attorney was however cancelled, that the duties, that were performed by Shri Khandelwal, were similar to those of a Head Clerk, and not a full fledged supervisor, or Assistant Accountant, that there were no clerks working under him, that he was not supervising anybody's work, and that he is not entitled to the allowance claimed, or any other relief.

5. Both parties agreed, that the issue is as in the term of reference.

6. This is a dispute in relation to the employers of the State Bank of Jaipur and their workmen.

7. The question raised in the order of reference is, whether, by virtue of the duties performed by Shri Khandelwal during the period 14-3-1955 to 31-1-1956, he is entitled to special allowance in terms of Paragraph 164(b)(9) of the Sastry Award.

8. It will be seen, that the special allowance is payable among others to supervisors, under the above-mentioned Paragraph. The workman's contention is, that he was not only discharging the duties of a supervisor, but was also promoted to the cadre of supervisor, that however the Bank deprived him of the special allowance and also later wrongfully reverted him as a clerk. It is alleged in the Statement of Claim, that the workman was promoted to the supervisory cadre on 10-3-1955. It may be noticed, that, according to the scheme of the Sastry Award, there is no provision as such for promotion to the cadre of a supervisor. We have the clerical scale, but for senior clerks, doing a higher type of work, involving higher responsibility and involving an element of supervision, a special allowance, is provided in Paragraph 164(b)(ix). One of the categories mentioned therein is "supervisor." Therefore, the question for determination in this case, is, whether Shri Khandelwal was performing the duties of a supervisor during the period now in question.

9. The contention on behalf of the Bank is, that he was not doing the duties of a supervisor, and that the duties performed by him were at best only those of a Head Clerk. It is further alleged, that no clerks were working under him, and that he was not supervising anybody's work. Ext. M/6 is a letter sent by the Bank to the Conciliation Officer, Ajmer, asserting, that the case of Shri Khandelwal did not come within the purview of Paragraph 164(b)(ix).

10. It will be useful to refer to the several documents, that have been produced in this connection. On behalf of the workman, we have Ext. W/4 a copy of the rules and regulations of the Bank, to be observed by the officers and clerks. Ext. W/1B dated 10-3-1955 states, that Shri Khandelwal was granted the power mentioned therein, i.e. cash Rs. 1,000 and transfer Rs. 2,000. Ext. W/1 dated 14-3-1955 is a copy of an extract, and it contains a list of the member officers, whose powers, for passing cheques, vouchers, and bills, etc., were revised for purposes of the Chief Cashier to honour signatures including those, who were to be tried before selection to officers cadre. No. 14 therein is Shri Khandelwal, and the limits therein mentioned are Rs. 1,000 cash, and Rs. 2,000 transfer. Ext. W/14 is the office order of the Bank dated 14-3-1955 intimating, that the officers mentioned therein were authorised to pass cheques, or debit

vouchers to the extent of the limits mentioned against their names. We find the name of Shri Ram Lal Khandelwal and the limits are as above. Ext. W/2 dated 14-3-1956 shows, that Shri Khandelwal was granted passing powers from that date in the same way as mentioned above. Ext. W/3 relates to the passing powers of Shri Bhargava. From the above documents we find, that Shri Khandelwal had passing powers and the limits were upto Rs. 1,000 in case of cash, and Rs. 2,000 in case of transfer.

11. Next, it is pointed out, that Shri Khandelwal was supervising the work of other clerks under him. Ext. W/7 dated 27-7-1955 is a copy of the report on a clerk on probation, Shri Madan Mohan Pareek. Ext. W/7A is as follows:—

"Despatch supervisor. PL (Initial—S. N. Bhattacharjee) Dt. 2-9-1955.

His work has been satisfactory.

(Sd.) R. L. KHANDELWAL,
9-9-1955"

The above is followed by the remarks of various others, including those of Shri A. R. Savor, the Deputy General Manager.

12. Next, reference has been made to Exts. W/14 and 15, which show, that a power of attorney was granted to Shri Khandelwal. There is a note therein, that the specimen signatures of the employees, who had been granted a joint power of attorney, were being obtained, and would be forwarded to branches in due course, except in the case of Shri Ajmera, whose specimen signatures were already in possession of all officers. Ext. W/6 is a form of the power of attorney.

13. Next, reference may be made to Ext. W/16 dated 24-1-1956, which is a copy of a letter addressed to Shri Khandelwal by the General Manager, informing him, that the Bank had decided to promote Shri Khandelwal to the cadre of an officer in the Bank in the grade of 100-10-200-EB-10-250, plus dearness allowance of 33 per cent of the substantive salary, with a minimum of Rs. 50, provided that it was understood, and agreed upon, that on such promotion, Shri Khandelwal would cease to be a workman. He was asked to convey his decision, so that necessary adjustment might be made. The reply of Shri Khandelwal is Ext. W/17 dated 31-1-1956. The workman wrote, that there could be no option and no room left for him to decline the offer. The question whether he would continue to belong to the category of workman, was not a matter of choice in view of the specific directions laid down in the Award. Shri Khandelwal wrote, that he preferred to remain a workman so long as he continued to enjoy that status in terms of the Award. He further wrote, that fixing his salary at Rs. 180 per month in the new grade meant a reduction in emoluments. Ext. W/18 dated 2-2-1956 is the reply of the Bank, intimating, that as Shri Khandelwal was not inclined to accept the Bank's offer, it was withdrawn. Ext. W/19 is a letter of Shri Khandelwal dated 9-2-1956, stating, that he had accepted the Bank's offer, but that he laid stress upon the service conditions already in vogue for employees of the Bank, and that on the question, whether an employee was a workman or an officer, the Award was the only guide. It was also written, that he had accepted the offer, and that it could not be withdrawn. It is in evidence, that Shri Khandelwal has been doing the duties of a clerk, and especially of a Typist, from after this date.

14. There were steps taken on behalf of the Union for redress of the grievances of Shri Khandelwal and Exts. W/20 to 25 relate to the correspondence in this connection. Ext. W/11 is a communication from the Government of India, addressed to the Manager, and the latter was asked to show cause why the management of the Bank of Jaipur should not be prosecuted under Section 29 of the Industrial Disputes Act, for breach of the provisions of the Award, and why the amount due to Shri Ram Lal Khandelwal recovered as arrears of land revenue under Section 83C of the said Act. Ext. W/20 is a letter written to the General Secretary, Rajasthan Bank Employees' Union dated 19-5-1958, intimating, that the matter had been taken up with the Government of Rajasthan which had an interest in the matter. Ext. M/5 is a letter of the Government of Rajasthan from the Finance Department, stating that, regarding the claim for special allowance of Shri R. L. Khandelwal, might be paid an agreed allowance of Rs. 15 per month for the period he was doing checking work, and that a receipt in full and final settlement of his claim, might be obtained. There is also a statement, that the Finance Secretary of the Government of India may be informed accordingly.

15. I shall refer to Ext. W/25 which is addressed to the Conciliation Officer, and therein it is alleged, that during the period from 10-3-1955 to 3-2-1956 Shri Khandelwal worked in a supervisory capacity in the Government Section, Current Section, Bills Section, Day Book Section, Despatch Department, etc. He used to take and supervise the work of clerks of these Departments. On an average he supervised the work of 6 to 7 clerks. He passed cheques, voucher, bills, etc., amounting upto Rs. 1,000/- cash, and Rs. 2,000/- transfer. He gave reports of work of the temporary staff

working in the aforementioned departments of the Bank, and he also checked and supervised the work of the said staff. He checked the supplementaries and statements and he signed intimations also.

16. I may also refer to the oral evidence of the workmen. He says, that he was entrusted with powers of checking, scrutiny, and verification from 10-3-55. These were withdrawn on 3-2-1956. He used to check and supervise the work of other clerks, i.e., in Government Section, outward bills, collection, current deposits, Savings Bank, despatch, bills, and Day Book. He used to pass bills, cheques, vouchers, upto Rs. 1,000/- cash, and upto Rs. 2,000/- transfer. He used to work as a supervisor, supervising these departments, and the work done by clerks in these departments. He checked the statements of the Central Office supplementary, and sent from Central Office to Head Office. The witness gives the names of the clerks, whose work he checked. These are Sarvashri Batliwala and Lalulal Jain in Government Section. In Current Section he checked the work of Sarvashri Khataria, Rattan Lal Jain, S. S. Solanki, K. S. Shah, and others. In O. B. C. he checked the work of Shri G. S. Pareek. In Central Office Supplementary Statements, he checked the work of Shri N. K. Goswami. He checked the Day Book, written by Shri V. N. Marhur. He checked the Despatch Registers, written by other clerks. He was not allowed to continue these duties from 3-2-1956, because he refused to give in writing, that he ceased to be a workman. After withdrawal of these duties, the Bank Authorities asked him to work as a Typist. In cross-examination by Shri Savor, the Deputy General Manager, in person, the workman deposed that Shri Savor told him, that he was given supervisory duties, and that he should do his work diligently. Shri Savor also told him in December, 1955, that he was promoting some employees as officers in the Bank Officer grade, and that he (Shri Khandelwal) should accept the offer and sever his connections with the Union. In cross-examination this witness explains, that he was permanently in Government Section, and checking the work in that Section. There was no difference in status between him and the officers. With reference to Ext. W/7, this workman explains, that Shri S. N. Bhattacharjee was Establishment Supervisor, and that he asked the witness about the work of Shri Madan Mohan Pareek. WWI admits that he does not know, if Shri S. N. Bhattacharjee had power to address him as Despatch Supervisor.

17. There is no oral evidence on behalf of the Bank.

18. On a consideration of the entire evidence, my conclusion is, that Shri R. L. Khandelwal was performing the duties of a supervisor, and that he is entitled to the allowance claimed. There can be no doubt at all, that he was doing checking work, and that he was also supervising the work of other clerks under him. Even in the written statement filed on behalf of the Bank, it is alleged in paragraphs 11 and 12, that he was passing Government bills upto Rs. 1,000/- cash, and transfer Rs. 2,000/-, that he was doing the work of checking the current ledgers, supplementary, despatch register and Day Book. But what is alleged is, that he did this work during a few days. Ext. W/9 has been produced as a chart, showing on which dates Shri Khandelwal passed certain vouchers, and cheques of current and savings accounts. The actual number of days which Shri Khandelwal passed certain vouchers and cheques of current and Savings Accounts, as shown in the chart, is not the test. We must take the entire duties during the period, with which we are concerned in this reference. The evidence of Shri Khandelwal is, that he had taken leave, when his mother was ill, and also for purposes of appearing for his C.A.I.B. examination. On the evidence, both oral and documentary, I have no hesitation in concluding, that Shri Khandelwal was doing all duties spoken to by him in his deposition. This also receives support from the documents.

19. Even as a question of probability, it is most likely, that he was doing supervisory duties, otherwise it is not likely, that he was considered for promotion to officers grade. It is also not likely, that power of attorney would have been granted to him. It is however pointed out, that the power of attorney was subsequently cancelled, and his specimen signatures were not circulated. This fact, however does not conclude the matter. What is important to note is, that he was chosen as a person fit to be granted the Bank's power of attorney. It is improbable, that he would have been considered for promotion to the officers grade, or to be granted a power of attorney, unless he was in the supervisory cadre, and was discharging supervisory duties, including

that of checking the work of other clerks in the various departments, in which he was working. This involved Supervision over them. It has been however argued on behalf of the Bank, that even assuming, that Shri Khandelwal was doing supervisory duties, he was only put on trial. This has also been the trend of cross-examination on behalf of the Bank. Assuming, that Shri Khandelwal was on trial during the period 10-3-1955 to 3-2-1956, that does not make any difference to the fact, that he was in fact in the supervisory cadre, and discharging supervisory duties. It may be, that the Bank wanted to try him in order to enable them to make up their mind to post him as an officer. Obviously, they were satisfied with his work, and offered him promotion as an officer. It is important to note, that not a single document has been produced to show, that Shri Khandelwal's work was ever considered to be unsatisfactory. The workman has also sworn to the fact, that at no time was he told, that his powers were withdrawn, because his work was unsatisfactory. On the other hand, it is an admitted fact, that he is a Graduate, having passed the B. Com. Examination. He has also passed a portion of the C.A.I.B. Examination, and he is also an LL.B. He had quite good qualifications for promotion to the officers grade. Even, as a matter of probability it is most likely, that he was doing supervisory duties, during the period, with which we are now concerned. Shri Khandelwal has denied that he was ever told, that he was being put on trial. But, even assuming, as contended by Shri Savor, that Shri Khandelwal was on trial during this period, that does not make any difference to the fact, that he was discharging supervisory duties, and those of a supervisor, and that he is entitled to the benefit of the special allowance, under Paragraph 161(b) (ix) of the Sastry Award.

20. It will be noticed, that the Bank offered him promotion to the officers cadre, but this promotion was conditional on the workman declaring himself, that he would not claim the status of a workman. This Shri Khandelwal was not prepared to do. Even though the letters, above referred to, do show, that he did accept the offer made by the Bank, for promotion to officers cadre, this offer was withdrawn for the simple reason, that Shri Khandelwal was not prepared to forego his status as a workman, and the advantages that he was entitled to under the Sastry Award. The action of the Bank in withdrawing the offer in such circumstances cannot be justified. It is a matter left to the option of the employee concerned. To deprive Shri Khandelwal of all chances of promotion in the future, merely because he declared, that the question, whether after promotion he was an officer or a workman, depended upon the Award, is not correct. It is really unfortunate, that a person, with qualifications like the above, should have been entrusted with routine clerical duties, and especially those of a Typist. It is hoped, that the Bank will be more fair and reasonable and consider Shri Khandelwal's claim for promotion to the officers cadre. Even though there is a prayer on behalf of the Union, that the Bank should be directed to restore him to the supervisory post, and to continue to pay him supervisory allowance, it is clear, that this claim is outside the scope of the reference. The reference merely limits the relief to the grant of special allowance for a particular period. In the Bank Award in Paragraph 168 there is a specific provision, that the supervisory allowance is to be paid only during such periods as the employees are in charge of that particular kind of work. When, according to the workman, the said duties were withdrawn from 3-8-1956, he cannot claim payment of the same for the period he was not discharging the said duties. The matter is however left to the good sense of the Bank, and it is hoped, that it will utilise the workman's services in a higher sphere. I find, that Shri Khandelwal was doing the duties of a supervisor during the period from 14-3-1955 to 31-1-1956, inclusive, and that he is entitled to special allowance for supervisors, during this period, at the rate applicable to the Bank of Jaipur, according to the Sastry Award, and as laid down in Paragraph 164 (b) (ix) of the Sastry Award.

21. In the result, an award is passed accordingly as above and it is hereby directed that the Bank of Jaipur shall pay to Shri R. L. Khandelwal special allowance, payable to supervisors, according to the provisions of Paragraph 161(b) (ix) of the Sastry Award, at the rate applicable to the Bank of Jaipur, and for the period between 14-3-1955 and 31-1-1956.

(Twelve pages)

The 15th September, 1960.

(Sd) E. KRISHNA MURTI,
Central Government, Industrial
Tribunal, Delhi.

S. N. TULSIANI, Under Secy.